

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVON HAYES	:	Civil Action No. 3:11-CV-0168
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
JEROME W. WALSH, <i>et. al.</i> ,	:	
	:	(Magistrate Judge Carlson)
Defendants.	:	

ORDER

May 23, 2013

BACKGROUND:

The undersigned has given full and independent consideration to the November 27, 2012 report and recommendation of Magistrate Judge Martin C. Carlson. ECF No. 137.

Plaintiff filed objections to the report and recommendation on December 11, 2012. ECF Nos. 138 and 139. Defendants filed a response on December 20, 2012. ECF No. 143. Plaintiff's objections have been considered by the Court. Plaintiff's arguments now are reiterations of his prior arguments and add nothing new that would persuade the undersigned to change the outcome of Magistrate Judge Carlson's report and recommendation.

Because this Court agrees with Magistrate Judge Carlson's analysis the Court will not rehash the sound reasoning of the magistrate judge and will adopt the report and recommendation in its entirety.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. United States Magistrate Judge Martin C. Carlson's November 27, 2012 Report and Recommendation is ADOPTED in full. ECF No. 137.
2. Defendants' October 11, 2012 Motion for Partial Summary Judgment is GRANTED. ECF No. 128.
3. Plaintiff's Eighth Amendment conditions of confinement claim is DISMISSED.
4. The action is remanded to Magistrate Judge Carlson for further proceedings including defendants' pending April 26, 2013 Motion for Summary Judgment.

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge